IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

(1)S.B.CIVIL WRIT PETITION NO.851/2007
Pritam Singh & Ors. v. State of Rajasthan & Ors.

(2)S.B.CIVIL WRIT PETITION NO.6424/2005
Iqbal Singh & Ors. v. State of Rajasthan & Ors.

(3)S.B.CIVIL WRIT PETITION NO.6507/2005
Himmat Singh v. State of Rajasthan & Ors.

(4)S.B.CIVIL WRIT PETITION NO.6949/2005
Jagvinder Singh & Anr. v. State of Rajasthan & Ors.

(5)S.B.CIVIL WRIT PETITION NO.1309/2006
Sewa Singh & Ors. v. State of Rajasthan & Ors.

(6)S.B.CIVIL WRIT PETITION NO.3987/2006
Trilok Singh & Ors. v. State of Rajasthan & Ors.

(7)S.B.CIVIL WRIT PETITION NO.3988/2006
Darshan Singh & Anr. v. State of Rajasthan & Ors.

(8)S.B.CIVIL WRIT PETITION NO.3989/2006
Charan Deep Singh & Ors. v. State of Rajasthan & Ors.

(9)S.B.CIVIL WRIT PETITION NO.5705/2006
Preetam Singh v. State of Rajasthan & Ors.

(10)S.B.CIVIL WRIT PETITION NO.5706/2006
Dilbagh Singh & Anr. v. State of Rajasthan & Ors.

(11)S.B.CIVIL WRIT PETITION NO.6073/2006
Gurvinder Singh & Ors. v. State of Rajasthan & Ors.

(12)S.B.CIVIL WRIT PETITION NO.6074/2006
Charanjeet Singh & Ors. v. State of Rajasthan & Ors.

(13)S.B.CIVIL WRIT PETITION NO.6122/2006
Pareetam Singh & Ors. v. State of Rajasthan & Ors.

(14)S.B.CIVIL WRIT PETITION NO.6123/2006
Karnel Singh v. State of Rajasthan & Ors.

(15)S.B.CIVIL WRIT PETITION NO.6798/2006
Hajara Singh & Anr. v. State of Rajasthan & Ors.

(16)S.B.CIVIL WRIT PETITION NO.6799/2006
Krishan Lal & Ors. v. State of Rajasthan & Ors.

(17)S.B.CIVIL WRIT PETITION NO.6941/2006
Balwant Singh & Ors. v. State of Rajasthan & Ors.

(18)S.B.CIVIL WRIT PETITION NO.163/2007
Ajaib Singh v. State of Rajasthan & Ors.

(19)S.B.CIVIL WRIT PETITION NO.689/2007
Avtar Singh & Anr. v. State of Rajasthan & Ors.

(20)S.B.CIVIL WRIT PETITION NO.897/2007
Sita Ram & Ors. v. State of Rajasthan & Ors.

(21)S.B.CIVIL WRIT PETITION NO.1100/2007
Vazeer Singh v. State of Rajasthan & Ors.

Petitions under Articles 226 and 227
of the Constitution of India.

Date of Order :: 4th October, 2007

P R E S E N T

HON'BLE JUSTICE SHRI GOVIND MATHUR

Mr. Ramandeep Singh]
Mr. Sudheer Sharma]
Mr. M.K.Garg] for the petitioners.
Mr. H.S.Sidhu]
Mr. G.J.Gupta]
Mr. B.L.Tiwari, Deputy Government Advocate.
Mr. Dron Kaushik, for the respondents.

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BY THE COURT :

Considering necessary to provide adequate water to the cultivators at tail end of Gang Canal Bhakra and Indira Gandhi Canal, a decision was taken by Government of Rajasthan for correction of the size and level of the water outlets discharging more than 50% water over their designed discharge.

The Divisional Irrigation Officer, North Division, Sriganganagar, accordingly, to give adequate publicity to the proposed correction issued notices under Rule 11(3) of the Rajasthan Irrigation and Drainage Rules, 1955 (hereinafter referred to as “the Rules of 1955”) to various Panchayat Samitis and Gram Panchayats of the area concerned. Receiving no objection, necessary orders then were passed by the District Irrigation Officer.

The petitioners challenged the orders aforesaid by way of filing these writ petitions.

The contention of the petitioners is that a material change was made in established system of canal distribution without giving notice to them as prescribed under Rule 11(3) of the Rules of 1955. According to counsel for the appellants the notice given to Panchayat Samitis or Gram Panchayats is not sufficient compliance of Rule 11(3) of the Rules of 1955 as the thrust of the provision is to provide an opportunity of hearing to the persons effected.

The contention aforesaid has already been dealt with by Division Bench of this Court in the appeals preferred by the petitioners themselves giving challenge to the interim order passed on 21.3.2007. The Division Bench in the appeals aforesaid held as under:-

> "We do not find any substance in the contention so raised, as Rule 11(3) of the Rules of 1955 nowhere contemplates to give notice to individual cultivator but provides for adequate publicity through Panchayats for proposed removal and reduction of water outlets. In the case of Jarnel Singh (supra) the Court while considering the issue of not giving notice to the co-sharer of the adjacent land to the land of the effected co-sharer held that "it is the only co-sharers of the chak whose existing system of irrigation is sought to be changed, who are required to be given notice before such change as effected and that having been done, there is no breach of any rule or principles of natural justice in giving effect to the proposed alteration". In the case aforesaid the controversy was pertaining to shifting of water outlet from one chak to another chak, therefore, the notice was given to the individual cultivator, whereas in the present case a campaign was made for correction of water outlets in three major canal area irrigation systems as a consequent to a policy decision of the government, as such the wide publicity for proposed alteration through Panchayat Samitis and Gram Panchayats is sufficient compliance of Rule 11(3) of the Rules of 1955."

In view of the discussions made above, these petitions for writ are dismissed. However, it is made clear that the respondents shall not in any manner

take any step that may effect or reduce water supply even in micro level below the one originally sanctioned to each of the petitioners.

No order to costs.

(GOVIND MATHUR),J.

kkm/ps.